

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOROTHY OUTLAW

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 02 2008 ★
Plaintiff
BROOKLYN OFFICE

08

B.H.
S.I.
1324

-against-

COMPLAINT
PLAINTIFFS DEMAND
TRIAL BY JURY

THE CITY OF NEW YORK, POLICE
OFFICER JAVIER VELEZ , THE DISTRICT ATTORNEY
OF KINGS COUNTY and KEVIN JAMES

Defendants

GARAUFIS, J.

REYES, M.J

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF THE PLAINTIFF

1. This is a civil action for damages brought pursuant to redress the deprivation by defendants of the rights secured to plaintiff under the Constitution and laws of the United States and State of New York. The pendant jurisdiction of the Court is also invoked to bring various state law causes of action. The defendants, without a warrant and without probable cause, falsely converted the property of, and violated the civil rights of the plaintiff.

2. That the jurisdiction of this Court is invoked under the provisions of Section 1331 & 1383 of Title 28 and Sections 1983 & 1988 of Title 42 of the United States Code . Plaintiff further invokes the pendant jurisdiction of this Court to consider claims arising under state law. The amount in controversy exceeds \$75,000.00 excluding costs and attorney's fees.

3. That at all times hereinafter mentioned the plaintiff DOROTHY OUTLAW was and still is a resident of the County of Kings, City & State of New York.

4. That the defendant THE CITY OF NEW YORK was and is a municipal corporation organized and existing under the laws of the City and State of New

York.

5. That the defendant POLICE OFFICER JAVIER VELEZ was and is an agent, servant and employee of the defendant THE CITY OF NEW YORK

6. That the defendant THE DISTRICT ATTORNEY OF KINGS COUNTY was and is a prosecuting authority in the County of Kings, City and state of New York.

7. That the defendant KEVIN JAMES was and is an agent servant and employee of the KINGS COUNTY DISTRICT ATTORNEY.

8. That at all times herein mentioned the plaintiff DOROTHY OUTLAW was and is the owner of a 2002 Lexis motor vehicle, vehicle identification number JTHBF30G220015882.

9. That on or about August 7, 2007 the defendants, who were agents, servants and employees of the defendant THE CITY OF NEW YORK who were acting under color of law during the aforesaid transactions, wrongfully stole and converted the property of DOROTHY OUTLAW by taking and seizing the aforementioned 2002 Lexis motor vehicle without just cause and without a warrant.

10. That the plaintiff has duly and lawfully demanded return of the aforesaid vehicle from the defendants without result.

11. In the manner as aforesaid, each of the defendants, jointly & severally, acted maliciously, willfully and wantonly, and outside the scope of his jurisdiction, although under color of law, and violated the following rights of the plaintiff; to be free from unreasonable search & seizure, from warrantless search & seizure, from , summary punishment without trial & due process of law.

12. Defendants, its agents servants and employees, by their conduct herein alleged, intentionally, willfully and without justification, and under color of law did deprive the plaintiff of his rights, privileges and immunities secured to him by the Constitution and the laws of the United States, and by 42 U.S.C. Sections 1983 & 1988 and by the statutes and laws of the state of New York which are invoked under the pendant jurisdiction of this Court.

13. That by reason of the foregoing the plaintiff has suffered damage & injury in the sum of ONE MILLION DOLLARS.

WHEREFORE, the plaintiff respectfully preys to the court for judgment upon each cause of action as follows:

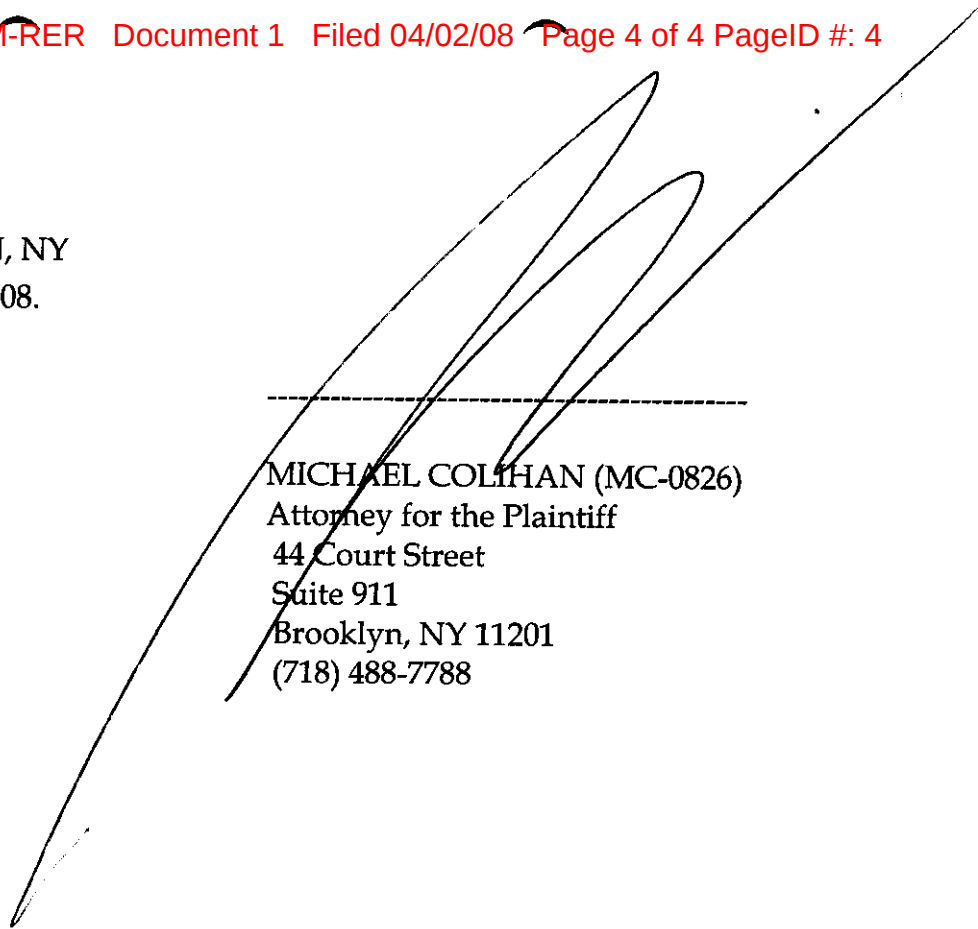
a. Compensatory damages in an amount which this Court shall consider to be just and fair:

b. Punitive and exemplary damages in an amount which this Court shall consider to be just & fair;

c. Attorney's fees in an amount which this Court shall consider just & fair;

d. Together with the costs and disbursements of this action and such other and further relief which this Court may seem just & proper.

DATED: BROOKLYN, NY
March 31, 2008.



MICHAEL COLIHAN (MC-0826)
Attorney for the Plaintiff
44 Court Street
Suite 911
Brooklyn, NY 11201
(718) 488-7788